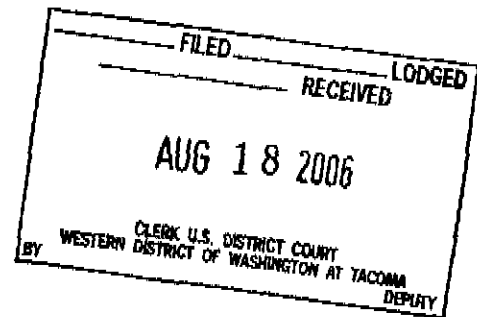


HONORABLE RONALD B. LEIGHTON



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENT LEROY HARRIS,

Defendant.

Case No. CR04-5142 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant's Motion to Modify Sentence [Dkt. #33].

Having considered the entirety of the records and file herein, the Court rules as follows:

Defendant has moved to modify his sentence pursuant to Fed. R. Crim. P. 33 and Fed. R. Crim. P. 35(b). He requests that this Court direct the Bureau of Prisons to place him on electronic home monitoring instead of placing him in a halfway house to complete his sentence. Rule 33 governs motions for new trials and is thus not applicable. Rule 35(b) requires a motion by the government in order to reduce or modify a sentence. There has been no government motion filed in this case and absent a government motion, this Court is without jurisdiction to afford the defendant the relief he seeks. It is therefore



1       **ORDERED** that Defendant's Motion to Modify Sentence [Dkt. #33] is **DISMISSED** for lack of  
2 jurisdiction.

3       The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing  
4 pro se.

5       Dated this 17<sup>th</sup> day of August, 2006.

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8 RONALD B. LEIGHTON  
United States District Court Judge  
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